

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 97 of the)	WT Docket No. 05-235
Commission's)	
Rules To Implement WRC-03)	
Regulations)	
Applicable to Requirements for)))	
Operator		
Licenses in the Amateur Radio Service		

REPLY TO COMMENTS OF RICK A BERNARDI, SR.

Rick A Bernardi, Sr., has filed what appears to be a reasonable argument for the elimination of all Morse code testing. In fact he has filed it in essentially the same form three times¹. The first 6 items can basically be described as the No Code International (NCI) prime objectives. I would like to reply to Mr. Bernardi's comments, as enumerated below from his first filing.

1. I am not opposed to manual Morse code operation. But Morse code is just another mode and should not be afforded any special priority over others. It is available to those who wish to use it. Morse proficiency should not be required for those who do not wish to use the mode.

It is unclear that Morse code is afforded any special priority with regards other modes. The problem is how does one verify the ability to control a Morse code transmitter if one cannot demonstrate the ability to send and receive Morse code? An examination of the question pools from the NCVEC shows that there are only 6 written questions on the General Class exam and 5 on the Amateur Extra Class exam related to Morse operations. This is against 20 questions on digital modes and 44 questions of phone modes in the General Class exam, while there are 35 questions on digital modes, 36 questions on phone modes, and 25 questions on image modes in the Amateur

¹ And a number of others have also filed it. Gregory C. Rogan, Francis W D Steinmel, Don B. Cook, Bernard Basel, Arthur T. Stanic, Jeffrey H. Moore, James Pastorfield, Robert Burton, Randy Pence, Jeff Bolen, Rick Irvine, Jeffrey Lowry, Carlos Quinones, Douglas M. Crandall, Larry Thibodeaux, David M. Kaye, Lawrence Cerney, Allan Young, Barry Hiddema, Robert Pahlow Jr, Edward A. Rainsberger, A J Bernardi, Faye A. Bernardi, Joseph M Bernardi, Rick A Bernardi Jr, Enric Bernardi, Grant E. Kemp, and Robert Felt have all filed essentially the same comment, with Mr. Kemp and Mr. Felt merely quoting the No Code International philosophy expressed in the first 6 items.

Extra Class exam.² Passing the General Class test allows the licensee to operate in any mode, even though they have not demonstrated knowledge or proficiency in all of these modes until supposedly passing the Amateur Extra Class exam. I put it to you that this *may* indicate that HF access for the General Class licensee should not *require* a Morse code test, but yet begs for Morse code testing for the Amateur Extra Class, especially considering that CW remains the second most popular operating mode.

2. Manual radiotelegraphy communications has been superceded by more modern, reliable, accurate, faster and efficient means of communication.

Following this to its logical conclusion, we should also eliminate AM, FM, SSB, SSTV, and RTTY operations. With a properly adjusted transmitter, there is little that is as efficient as Morse code with regard to bandwidth, with the possible exception of PSK31, and it cannot be called more reliable or accurate.

3. Requiring manual telegraphy proficiency is not compatible with the radio amateur's mandated objective of contributing to the advancement of the radio art.

There is nothing in §97.1 that calls for one of the purposes (advancement of the radio art) of the Amateur Radio Service to have any standing over any of the others. On this basis, one would have to call activities such as ragchewing, DX hunting, contesting, public service, and traffic handling as not compatible with the Service.

4. FCC evidence exists that Morse proficiency is not an indicator of a desirable, motivated or better qualified operator.

This is a misquote of the NCI position. What they actually state is “**No evidence exists** that Morse proficiency is an indicator of a desirable, motivated or better qualified operator”. There is no FCC “evidence” as such.

5. The Morse code requirement serves as an advancement barrier to many otherwise qualified individuals.

² The National Conference of Volunteer Examiner Coordinators (NCVEC) is a not-for-profit industry organization. It enjoys the unique status of acting on behalf of the FCC in providing amateur license exam services through its 14 Volunteer Examiner Coordinators (VEC) organizations, while having no particular standing or representation of the individual licensee. The FCC has decided to allow the VECs to choose which questions will appear on an exam. The Question Pool Committee (QPC), consisting of three individuals, typically updates exams on a rotating basis. The decreased emphasis on Morse operations is not surprising since the NCVEC has consistently filed comments with the FCC opposing Morse testing. Some might consider this a conflict of interest, or at the very least, a form of discrimination. This is not to imply that individual Volunteer Examiners (VEs) are involved in this part of the process. Their time and efforts make it possible for much more convenient and timely testing and licensure.

While I have no doubt that this is true for some individuals, the requirements have been lowered to minimize the impact. I might point out that the technical portions of the written exam may also serve as an advancement barrier to individuals who have proven themselves as able communicators in their current license class. There are a large number of people who are just not interested in learning the Morse code, as is evident from comments filed in these proceedings. If the issue is merely one of access to the HF bands, a no-code General Class license should solve that problem. This would also provide an opportunity for new General Class licensees to experiment with a number of modes, including CW, not frequently in use on the VHF and higher bands and obtain practical experience to assist in advancing to the Amateur Extra Class.

6. The value of Morse code communications in the Amateur Service is primarily recreational in nature and manual telegraphy proficiency should no longer be a compulsory licensing requirement for any class of Amateur Radio license.

The value of *most* communications in the amateur service, for all modes, is primarily recreational in nature. As stated earlier, Morse code is just another mode, and should not be singled out here to the exclusion of others, for which there is demonstrably a higher emphasis in testing.

7. The most challenging problem is our attitude towards newcomers and change and our focus on the mode of CW as the defining characteristic of Amateur Radio. If you do not operate the mode CW, or if you are not proficient with the CW mode, then you are not a real ham radio operator. This is our most challenging problem our attitude towards change. If we can overcome this hurdle, promoting Amateur Radio for the future is the easy part. (ARRL Past President, Rod Stafford, W6ROD, wrote of similar issues - I encourage you to read it.)

I have not told anyone who took my amateur radio class that they were anything other than a fellow ham regardless of which tests they eventually passed, be it Technician , General, or Amateur Extra. Yes, I have also taught Morse code – but I have also demonstrated the developing digital modes. There is nothing like PSK31 for a classroom demonstration. You can record a few minutes of on-the-air audio and play it back through your favorite PSK program so students can appreciate how things work. I have read Rod Stafford’s comments, and I must point out that he was referring to de-emphasizing CW testing, not eliminating it completely³. While he pointed out that most of us are not comfortable with change, and that his opinion was that CW was not the future of amateur radio, he made no mention of issues

³ Mr. Rod’s letter reflected the Amateur Radio Relay League’s comments that were filed in WT docket 98-143. These comments proposed to “correct an overemphasis on Morse telegraphy” while acknowledging it was “a still-relevant, internationally universal communications skill.”

about what makes a “real” amateur. Carrying his comments to their logical conclusion, none of us should be using CW, AM, FM, SSB, fax, SSTV, or RTTY as our primary modes of operation, as they are all “less than state-of-the-art” communication techniques.

8. I do not have good ideas on how to change the mode attitudes. I wish I did because I believe the mode attitude is the Achilles Heel of the Amateur Radio Hobby. Changing our attitude towards change and new comers is a key part of growing Amateur radio in the future.

I am truly sorry if anyone has treated Mr. Bernardi as anything other than a fellow amateur operator. It is perhaps natural in a multi-tiered licensing structure for some of those closer to the top to laud their accomplishments over those below them, much as it is true that some who have been participating in any activity for a large number of years do not want to recognize the value of a new recruit. Like him, I have no good ideas on how to overcome these attitudes, and worse, how to mend the rift that has been growing for years between the “pro-code” and “no-code” factions, and has been brought to a head by these proceedings. What will help is if pro-code proponents stop prejudging all newcomers as CB⁴ operators bent to turn amateur frequencies into the morass that much of CB became in the late 1970’s, and realize that REACT⁵ grew out of CB. My experience has been that those new licensees that were CB operators joined the Amateur Radio Service out of a desire to become better communicators in what is hopefully a more structured environment⁶. What will also help is if no-code proponents don’t accuse the other side of spelling errors⁷, being “oldsters”, having a buggy-whip mentality⁸, or propose the elimination of CW frequencies⁹.

⁴ Class-D Citizen Band at 27 MHz

⁵ REACT (Radio Emergency Associated Communications Teams), a volunteer public service communications group with cooperative agreements with the American National Red Cross, the Salvation Army, and the National Weather Service, was initially formed from CB operators but now includes basically any radio service member in support of emergency communications. A Memorandum of Understanding (MoU) exists between REACT and ARRL to, amongst other things, work with each other in times of emergency or disaster to meet the communications needs of the public.

⁶ This is not to imply that there is not useful communications on CB channels today, which is aided by the general reduction of long-distance interference due to the coming bottom of the current sunspot cycle, nor to excuse some of the operations that can be observed on the 75 meter amateur band.

⁷ The spelling and grammar on **both** sides of the issue have been, at times, atrocious, making one worry about the state of education in the US. However, this seems to be a rallying point of the no-code proponents on the various internet discussion groups (where typing and spelling errors are quite common) and has crossed into comments filed in these proceedings, e.g. the comments of Terry Jones.

⁸ A number of commenters have compared the Morse code exam to having to demonstrate the ability to ride a horse or a bicycle, or of the use of a buggy whip, to obtain a motor vehicle license.

9.Many No Code Techs are MARS OPERATORS and operate HF with their MARS License provided they pass the MARS basic training course. MARS service dropped the code requirement along time ago its time Amateur Radio do the same.

MARS is not part of the Amateur Radio Service, so I do not see why this is pertinent. Approximately 35 years ago, I was the communications officer for my Civil Air Patrol (CAP) Squadron. I, and all the other radio operators in the state, had to take a training course and pass an official message to be allowed to operate CAP communications equipment on HF or VHF. There was no requirement for Morse code testing or to be a licensed amateur radio operator. Different service – different rules.

In summary, I do not find Mr. Bernardi's arguments for the elimination of ALL Morse code testing to be convincing and I further request that the comments of Gregory C. Rogan, Francis W D Steinmel, Don B. Cook, Bernard Basel, Arthur T. Stanic, Jeffrey H. Moore, James Pastorfield, Robert Burton, Randy Pence, Jeff Bolen, Rick Irvine, Jeffrey Lowry, Carlos Quinones, Douglas M. Crandall, Larry Thibodeaux, David M. Kaye, Lawrence Cerney, Allan Young, Barry Hiddema, Robert Pahlow Jr, Edward A. Rainsberger, A J Bernardi, Faye A. Bernardi, Joseph M Bernardi, Rick A Bernardi Jr, Enric Bernardi, and Grant E. Kemp be dismissed as duplicative.

⁹ Although it is not a topic for this proceeding, Deborah Maria Sanders, Brad Anderson, Mark Steven Whittaker, James E. Greenhaw, Warren Lee Sanders, Jerry Lee Sanders, and Dan Carver filed duplicative (complete with spelling errors) comments requesting that frequencies reserved for Morse code be reduced, not to allow for more advanced digital operations, but to expand phone operations. One wonders what "reserved" frequencies they were referring to. See also the discussion in FCC 01-108, the MO&O for WT Docket No. 98-143 at ¶27.